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EXAMINER	
ERB, NATHAN	

ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
12/08/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

Office Action Summary	Application No.	Applicant(s)	
	10/660,343	SCHOONMAKER ET AL.	
	Examiner	Art Unit	
	NATHAN ERB	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,12,14-16,18-27,29 and 30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,12,14-16,18-27,29 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's response to Office action was received on September 21, 2010.

2. In response to Applicant's amendment of the claims, the claim objection from the previous Office action is hereby withdrawn.

3. In response to Applicant's amendment of the claims, all of the claim rejections under 35 U.S.C. 101 from the previous Office action are hereby withdrawn.

4. In response to Applicant's amendment of the claims, the corresponding prior art claim rejections have been correspondingly amended below in this Office action.

5. Regarding the prior art rejections, Applicant argues that the prior art fails to disclose:

> a first comparison of financial performance of different wager denominations for a given game at the game unit, the first comparison displayed in a first table that includes information about each of the different wager denominations for the given game at the game unit, and
>
> a second comparison of financial performance of different games within a given game type at the game unit, the second comparison displayed in a second table that includes financial performance information about each of the different games within the given game type at the game unit.

These elements/limitations are disclosed via a COMBINATION of the following prior art disclosures:

a. Britt discloses: "a comparison of financial performance of different configurations at the game unit, the comparison including information about each of the different configurations at the game unit;"

b. Britt discloses: "a comparison of financial performance of different games within a given game type at the game unit, the comparison including financial

performance information about each of the different games within the given game type at the game unit;"

c. LeStrange discloses: "wherein a unique configuration includes a unique game;"

d. Howington discloses: "wherein a unique configuration includes a unique wager denomination;" and

e. Howington discloses: "displaying comparisons of the financial performance of different configurations in tables."

Applicant argues that Britt describes information concerning only a single game configuration at a time. Examiner disagrees. Britt, paragraph [0244], states:

> If a slot device plays more than one game, each game is listed on a list 2804. The games window 2802 also includes an activate all games button 2806, a GL Credit Account entry box 2808, a GL Debit entry box 2810, a point ratio entry box 2812, a comp point ratio entry box 2814, an actual hold % field 2816, a theoretical hold % entry box 2818, and an active check box 2820. The actual hold is a calculated field and does not require data entry. The entry boxes 2808, 2810, 2812, 2814, 2818 must be completed for each game in the list 2804 by the user. The active check box 2820 must also be set for each game to identify which games are currently active in the slot device. Some of the information on the games window 2802 is pre-filled based on the Manufacturer, Model Number, Master Prom, and Game Prom information from the slot window 2712. For example, if a slot device plays more than one game, there will be a record for each game in the list 2804.

According to the above passage, for game machines with multiple configurations (here, multiple games), the various games will be listed on a list 2804. Each game in that list has its own set of various fields, including actual hold percentage 2816 (see Figure 28). A user can flip between the data for different games (that is, configurations), comparing their actual hold percentages. Therefore, Britt does indeed disclose information

concerning more than a single game configuration. Whether or not that information is simultaneously displayed in Britt is not relevant to whether Britt was properly used because, as apparent from the disclosures (a) and (b) from Britt above, Examiner does not rely on Britt for disclosure of the information for different configurations occurring simultaneously (that is, on the same screen at the same time).

Applicant has amended the limitations in question here to include explicit recitation of displaying the comparisons in tables. In response, Examiner has amended the rejections with a disclosure from Howington of "displaying comparisons of the financial performance of different configurations in tables."

Therefore, Examiner does not find Applicant's arguments to be persuasive.

6. **Official Notice Note:** If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03 Reliance on Common Knowledge in the Art or "Well Known" Prior Art. In view of applicant's failure to adequately traverse official notice, the following is admitted prior art: "it was well-known to one of ordinary skill in the art at the time of applicants' invention that hand pays are a common method for casinos to pay out winnings to customers;" "wherein reporting comprises printing;" "it was well-known to one of ordinary skill in the art at the time of applicants' invention that paper is a convenient medium for reporting information;" and "it was well-known to one of ordinary skill in the art at the time of applicants' invention that a day is a common time interval to choose for breaking up data over time periods."

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-8, 12, 14-16, 18-27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange et al., U.S. Patent No. 5,470,079, in view of Howington, U.S. Patent Application Publication No. US 2002/0152120 A1, in further view of Cannon, U.S. Patent Application Publication No. US 2002/0183105 A1, in further view of Britt et al., U.S. Patent Application Publication No. US 2003/0069071 A1.

As per **Claim 1**, LeStrange et al. discloses:

- an accounting system (column 3, lines 7-19);

- a receiver configured to collect from a single game unit first meter information from a first unique configuration in the single game unit and second meter information from a second unique configuration in the single game unit (Figure 1; column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40; receiver is central or host computer system 20; a single game machine may be capable of playing multiple different games; different games represent different machine configurations; meter information for different games is recorded separately);

- wherein a unique configuration includes a unique game (column 11, line 59, through column 12, line 40; a single game machine may be capable of playing multiple different games; different games represent different machine configurations);

- wherein the game is selectable (column 11, line 59, through column 12, line 40; claims 17, 29, and 46);

- a database configured to store the collected information (column 4, line 56, through column 5, line 45);

- a calculator structured to generate statistical information from the collected information for the unique configurations in the single game unit, including on a per-configuration basis (column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40);

- wherein calculated statistics for a configuration include additional information (column 4, line 56, through column 5, line 5; column 6, lines 36-43).

LeStrange et al. fails to disclose wherein a unique configuration includes a unique wager denomination. Howington discloses wherein a unique configuration includes a unique wager denomination (paragraph [0004]; paragraphs [0029]-[0030]; paragraph [0036]; claim 16; combining the configuration-defining attributes of game and denomination into a single invention makes the configuration a combination). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that a unique configuration includes a unique wager denomination, as disclosed by Howington. Motivation is provided by

Howington in that tracking denomination of a machine allows other tracked parameters to be compared on the basis of the denomination of machines (paragraph [0036]).

LeStrange fails to disclose displaying comparisons of the financial performance of different configurations in tables. Howington further discloses displaying comparisons of the financial performance of different configurations in tables (Figures 4-6; paragraphs [0029]-[0037]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that it displays comparisons of the financial performance of different configurations in tables, as disclosed by Howington, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange fails to disclose wherein a single game unit may play poker, blackjack, or keno; wherein a unique configuration includes a unique program; wherein a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback; wherein a program is selectable; wherein the denomination is selectable. Cannon discloses wherein a single game unit may play poker, blackjack, or keno (paragraph [0045]); wherein a unique configuration includes a unique program (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback (paragraphs [0045], [0051], [0067], [0080], [0112], [0114],

[0117], [0120]-[0121]); wherein a program is selectable (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein the denomination is selectable (paragraph [0154]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that a single game unit may play poker, blackjack, or keno; a unique configuration includes a unique program; a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback; a program is selectable; and the denomination is selectable, as disclosed by Cannon, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange fails to disclose a comparison of financial performance of different configurations at the game unit, the comparison including information about each of the different configurations at the game unit; a comparison of financial performance of different games within a given game type at the game unit, the comparison including financial performance information about each of the different games within the given game type at the game unit. Britt discloses a comparison of financial performance of different configurations at the game unit, the comparison including information about each of the different configurations at the game unit (Figure 28; paragraphs [0239]-[0244]); a comparison of financial performance of different games within a given game type at the game unit, the comparison including financial performance information about

each of the different games within the given game type at the game unit (Figure 28; paragraphs [0239]-[0244]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that it includes a comparison of financial performance of different configurations at the game unit, the comparison including information about each of the different configurations at the game unit; and a comparison of financial performance of different games within a given game type at the game unit, the comparison including financial performance information about each of the different games within the given game type at the game unit, as disclosed by Britt, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 2**, LeStrange et al. further discloses wherein the first meter information is coin-in for the first unique configuration (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; according to p. 10, lines 26-28, of applicants' specification, the coin-in meter measures the total coins wagered in a configuration; this corresponds to the "game play meter" of the reference).

As per **Claim 3**, LeStrange et al. further discloses wherein the receiver is structured to also collect coin-out information for the first unique configuration (Figure 1;

column 4, line 56, through column 5, line 45; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; according to p. 10, lines 26-32, of applicants' specification, a total coin-out meter measures the total coins paid as a result of a winning outcome generated by a configuration; this corresponds to the "game out meter" of the reference).

As per **Claim 4**, LeStrange et al. further discloses wherein the coin-out information does not include system bonus payments (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; according to p. 10, lines 26-32, of applicants' specification, a total coin-out meter measures the total coins paid as a result of a winning outcome generated by a configuration and does not include system bonus payments; therefore, system bonus payments are not coins paid as a result of a winning outcome generated by a configuration; total coin-out meter corresponds to the "game out meter" of the reference, which the reference only describes as being incremented as a result of a win on a machine; therefore, the "game out meter" of the reference would not measure system bonus payments).

As per **Claim 5**, LeStrange et al. further discloses wherein the coin-out information includes monetary value paid directly by the single game unit (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60). LeStrange et al. further discloses wherein the coin-out information includes monetary value generated by the single game unit for the first unique configuration (column 5, line 65,

through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; according to p. 10, lines 26-32, of applicants' specification, a total coin-out meter measures the total coins paid as a result of a winning outcome generated by a configuration; this corresponds to the "game out meter" of the reference). LeStrange et al. and Howington fail to disclose monetary value being paid in the form of a hand pay. Britt et al. further discloses monetary value being paid in the form of a hand pay (paragraph [0925]; paragraph [0935]; paragraph [0944]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 3 such that monetary value is paid in the form of a hand pay, as disclosed by Britt et al. Motivation is provided in that Examiner hereby takes Official Notice that it was well-known to one of ordinary skill in the art at the time of applicants' invention that hand pays are a common method for casinos to pay out winnings to customers; therefore, it would make sense to take hand pays into consideration in a gaming accounting system.

As per **Claim 6**, LeStrange et al. further discloses wherein the first meter information and second meter information are subsets of all meters stored in the single game unit (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

As per **Claim 7**, LeStrange et al. further discloses wherein meter information is only collected if meter information is non-zero information (column 4, lines 18-34; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; game meter information is only transferred to host computer if the game is played and then the player switches to another game; therefore, if a game has not been played, its zero meter values will not be transferred to and collected by the host computer).

As per **Claim 8**, LeStrange et al. and Howington fail to disclose wherein meter information is collected at a regular interval. Britt et al. further discloses wherein meter information is collected at a regular interval (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 1 such that meter information is collected at a regular interval, as disclosed by Britt et al. Motivation is provided by Britt et al. in that collecting the information at regular intervals keeps the central monitoring system updated (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]).

As per **Claim 12**, LeStrange et al. further discloses wherein the calculator is structured to generate a hold percentage for the first unique configuration during a certain time period (Figure 1; column 3, lines 7-19; column 3, lines 39-56; column 4, line

56, through column 5, line 45; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 9, lines 48-67; column 11, line 59, through column 12, line 40).

As per **Claim 14**, LeStrange et al. fails to disclose a reporter structured to gather and present portions of the collected information. Howington discloses a reporter structured to gather and present portions of the collected information (Figure 5; Figure 6; Figure 7; Figure 8; Figure 9; Figure 10; paragraph [0040]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that it includes a reporter structured to gather and present portions of the collected information, as disclosed by Howington. Motivation is provided by Howington in that casinos track gaming machine performance for regulatory and revenue-generating reasons (paragraph [0003]; paragraph [0006]).

As per **Claim 15**, LeStrange et al. fails to disclose a reporter structured to gather and present portions of the collected information and the additional information. Howington discloses a reporter structured to gather and present portions of the collected information and the additional information (Figure 5; Figure 6; Figure 7; Figure 8; Figure 9; Figure 10; paragraph [0040]; in light of applicants' specification, "additional information" is being interpreted to include actual win percentage, which is simply another way of expressing actual hold percentage). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of

LeStrange et al. as modified in the rejection for claim 1 such that it includes a reporter structured to gather and present portions of the collected information and the additional information, as disclosed by Howington. Motivation is provided by Howington in that casinos track gaming machine performance for regulatory and revenue-generating reasons (paragraph [0003]; paragraph [0006]).

As per **Claim 16**, LeStrange et al. discloses:

- a method of accounting for networked gaming devices (Figure 1; column 3, lines 7-19; column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40; claims 1 and 14-16);

- collecting values from more than one unique configuration from a single game unit (Figure 1; column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40; a single game machine may be capable of playing multiple different games; different games represent different machine configurations; meter information for different games is recorded separately);

- wherein a unique configuration includes a unique game (column 11, line 59, through column 12, line 40; a single game machine may be capable of playing multiple different games; different games represent different machine configurations);

- wherein the game is selectable (column 11, line 59, through column 12, line 40; claims 17, 29, and 46);

- storing the collected values (column 4, line 56, through column 5, line 45);

- generating, by the computer system, calculated values from the collected values for all unique configurations in the single game unit (column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40).

LeStrange et al. fails to disclose wherein a unique configuration includes a unique game wager denomination. Howington discloses wherein a unique configuration includes a unique game wager denomination (paragraph [0004]; paragraphs [0029]-[0030]; paragraph [0036]; claim 16; combining the configuration-defining attributes of game and game denomination into a single invention makes the configuration a combination). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that a unique configuration includes a unique game wager denomination, as disclosed by Howington. Motivation is provided by Howington in that tracking denomination of a machine allows other tracked parameters to be compared on the basis of the denomination of machines (paragraph [0036]).

LeStrange et al. fails to disclose accepting, by a computer system, queries to the collected values. Howington discloses accepting, by a computer system, queries to the collected values (Figures 4-6; paragraph [0015]; paragraphs [0029]-[0037]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that it accepts, by a computer system, queries to the collected values, as disclosed by Howington. Motivation is provided by Howington in that accepting queries to stored values helps casino management to track performance of particular gaming machines (paragraph [0034]; paragraph [0037]).

LeStrange et al. fails to disclose reporting the calculated values. Howington further discloses reporting the calculated values (Figures 4-6; paragraph [0015]; paragraphs [0029]-[0037]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified above in this rejection such that it reports the calculated values, as disclosed by Howington. Motivation is provided by Howington in that reporting the subset of stored values helps casino management to track performance of particular gaming machines (paragraph [0034]; paragraph [0037]).

LeStrange fails to disclose displaying comparisons of the financial performance of different configurations in tables. Howington further discloses displaying comparisons of the financial performance of different configurations in tables (Figures 4-6; paragraphs [0029]-[0037]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that it displays comparisons of the financial performance of different configurations in tables, as disclosed by Howington, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange fails to disclose wherein a unique configuration includes a unique program; wherein a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback; wherein a program is selectable; wherein the denomination is selectable. Cannon

discloses wherein a unique configuration includes a unique program (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein a program is selectable (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein the denomination is selectable (paragraph [0154]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that a unique configuration includes a unique program; a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback; a program is selectable; and the denomination is selectable, as disclosed by Cannon, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange fails to disclose a comparison of financial performance of different configurations at the game unit, the comparison including information about each of the different configurations at the game unit; a comparison of financial performance of different games within a given game type at the game unit, the comparison including financial performance information about each of the different games within the given game type at the game unit. Britt discloses a comparison of financial performance of different configurations at the game unit, the comparison including information about

each of the different configurations at the game unit (Figure 28; paragraphs [0239]-[0244]); a comparison of financial performance of different games within a given game type at the game unit, the comparison including financial performance information about each of the different games within the given game type at the game unit (Figure 28; paragraphs [0239]-[0244]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that it includes a comparison of financial performance of different configurations at the game unit, the comparison including information about each of the different configurations at the game unit; and a comparison of financial performance of different games within a given game type at the game unit, the comparison including financial performance information about each of the different games within the given game type at the game unit, as disclosed by Britt, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 18**, LeStrange et al. and Howington fail to disclose wherein reporting comprises printing. However, Examiner hereby takes Official Notice that that element/limitation was well-known to one of ordinary skill in the art at the time of applicants' invention. It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 16 such that reporting comprises printing, as was well-known to

one of ordinary skill in the art at the time of applicants' invention. Motivation is provided in that Examiner hereby takes Official Notice that it was well-known to one of ordinary skill in the art at the time of applicants' invention that paper is a convenient medium for reporting information.

As per **Claim 19**, LeStrange et al. further discloses wherein each unique configuration has a unique identifier (column 11, line 59, through column 12, line 40).

As per **Claim 20**, LeStrange et al. fails to disclose wherein the single game unit has an identifier unique from any other game unit in the network of gaming devices. Howington discloses wherein the single game unit has an identifier unique from any other game unit in the network of gaming devices (Figures 4-6; paragraphs [0029]-[0037]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 19 such that the single game unit has an identifier unique from any other game unit in the network of gaming devices, as disclosed by Howington. Motivation is provided by Howington in that a machine identifier is used to differentiate the various gaming machines in the network for helping casino management to track performance of particular gaming machines (Figures 4-6; paragraphs [0029]-[0037]).

As per **Claim 21**, LeStrange et al. further discloses wherein accepting values comprises accepting meter values (Figure 1; column 4, line 56, through column 7, line 25; column 11, line 59, through column 12, line 40).

As per **Claim 22**, LeStrange et al. further discloses wherein accepting meter values comprises accepting meter values only if they are non-zero values (column 4, lines 18-34; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; game meter information is only transferred to host computer if the game is played and then the player switches to another game; therefore, if a game has not been played, its zero meter values will not be transferred to and collected by the host computer).

As per **Claim 23**, LeStrange et al. further discloses wherein accepting meter values comprises accepting fewer than all of the available meter values in the single game unit (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

As per **Claim 24**, LeStrange et al. further discloses wherein accepting meter values comprises accepting meter values after an event (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

As per **Claim 25**, LeStrange et al. further discloses wherein the event is the end of a session of the configuration (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

As per **Claim 26**, LeStrange et al. and Howington fail to disclose wherein accepting values comprises accepting values at established time intervals. Britt et al. further discloses wherein accepting values comprises accepting values at established time intervals (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 16 such that accepting values comprises accepting values at established time intervals, as disclosed by Britt et al. Motivation is provided by Britt et al. in that collecting the information at regular intervals keeps the central monitoring system updated (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]).

As per **Claim 27**, LeStrange et al. and Howington fail to disclose wherein an established time interval is once per day. Britt et al. further discloses wherein an established time interval is once per day (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 26 such that an established

time interval is once per day, as disclosed by Britt et al. Motivation is provided in that Examiner hereby takes Official Notice that it was well-known to one of ordinary skill in the art at the time of applicants' invention that a day is a common time interval to choose for breaking up data over time periods.

As per **Claim 29**, LeStrange et al. discloses:

- an accounting system (column 3, lines 7-19);

- a receiver configured to collect from a single game unit first meter information from a first unique configuration in a single game unit and second meter information from a second unique configuration in the single game unit (Figure 1; column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40; receiver is central or host computer system 20; a single game machine may be capable of playing multiple different games; different games represent different machine configurations; meter information for different games is recorded separately);

- wherein a unique configuration includes a unique game (column 11, line 59, through column 12, line 40; a single game machine may be capable of playing multiple different games; different games represent different machine configurations);

- wherein the game is selectable (column 11, line 59, through column 12, line 40; claims 17, 29, and 46);

- a database configured to store the collected information (column 4, line 56, through column 5, line 45);

- a calculator structured to generate statistical information from the collected information for the unique configurations in the single game unit, including on a per-configuration basis (column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40);

- wherein calculated statistics for a configuration include additional information (column 4, line 56, through column 5, line 5; column 6, lines 36-43).

LeStrange et al. fails to disclose wherein a unique configuration includes a unique wager denomination. Howington discloses wherein a unique configuration includes a unique wager denomination (paragraph [0004]; paragraphs [0029]-[0030]; paragraph [0036]; claim 16; combining the configuration-defining attributes of game and denomination into a single invention makes the configuration a combination). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that a unique configuration includes a unique wager denomination, as disclosed by Howington. Motivation is provided by Howington in that tracking denomination of a machine allows other tracked parameters to be compared on the basis of the denomination of machines (paragraph [0036]).

LeStrange fails to disclose displaying comparisons of the financial performance of different configurations in tables. Howington further discloses displaying comparisons of the financial performance of different configurations in tables (Figures 4-6; paragraphs [0029]-[0037]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that it displays comparisons of the financial performance of different configurations in tables, as disclosed by Howington,

since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange fails to disclose wherein a single game unit may play poker, blackjack, or keno; wherein a unique configuration includes a unique program; wherein a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback; wherein a program is selectable; wherein the denomination is selectable. Cannon discloses wherein a single game unit may play poker, blackjack, or keno (paragraph [0045]); wherein a unique configuration includes a unique program (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein a program is selectable (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein the denomination is selectable (paragraph [0154]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that a single game unit may play poker, blackjack, or keno; a unique configuration includes a unique program; a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback; a program is selectable; and the denomination is selectable, as disclosed by Cannon, since the claimed

invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange fails to disclose a comparison of financial performance of different configurations at the game unit, the comparison including information about each of the different configurations at the game unit; a comparison of financial performance of different games within a given game type at the game unit, the comparison including financial performance information about each of the different games within the given game type at the game unit. Britt discloses a comparison of financial performance of different configurations at the game unit, the comparison including information about each of the different configurations at the game unit (Figure 28; paragraphs [0239]-[0244]); a comparison of financial performance of different games within a given game type at the game unit, the comparison including financial performance information about each of the different games within the given game type at the game unit (Figure 28; paragraphs [0239]-[0244]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that it includes a comparison of financial performance of different configurations at the game unit, the comparison including information about each of the different configurations at the game unit; and a comparison of financial performance of different games within a given game type at the game unit, the comparison including financial performance information about each of the different games within the given game type at the game unit, as disclosed by Britt,

since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange et al. and Howington fail to disclose wherein meter information is collected at established intervals. Britt et al. further discloses wherein meter information is collected at established intervals (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified above in this rejection such that meter information is collected at established intervals, as disclosed by Britt et al. Motivation is provided by Britt et al. in that collecting the information at regular intervals keeps the central monitoring system updated (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]).

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange et al. in view of Howington in further view of Cannon in further view of Britt in further view of Freels et al., U.S. Patent No. 5,759,103, in further view of Rowe et al., U.S. Patent Application Publication No. US 2002/0187834 A1.

As per **Claim 30**, LeStrange further discloses wherein calculated statistics for a configuration include slot handle (column 4, line 56, through column 5, line 5; column 6, lines 36-43). LeStrange et al. fails to disclose wherein calculated statistics for a

configuration include actual game hold percentage. Howington further discloses wherein calculated statistics for a configuration include actual game hold percentage (Figure 4; paragraph [0029]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange et al. such that calculated statistics for a configuration include actual game hold percentage, as disclosed by Howington, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange et al. fails to disclose wherein calculated statistics for a configuration include slot win. Freels et al. discloses wherein calculated statistics for a configuration include slot win (column 4, line 62, through column 5, line 40; claims 6-7). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange et al. such that calculated statistics for a configuration include slot win, as disclosed by Freels et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange et al. fails to disclose wherein calculated statistics for a configuration include individual game hold percentage and machine hold percentage. Rowe et al. discloses wherein calculated statistics for a configuration include individual game hold percentage and machine hold percentage (paragraphs [0106]-[0111]). It would have

been obvious to one of ordinary skill in the art to modify the invention of LeStrange et al. such that calculated statistics for a configuration include individual game hold percentage and machine hold percentage, as disclosed by Rowe et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Nathan Erb
Examiner
Art Unit 3628

nhe

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628